

March 6, 1979

LB 129, 146

SPEAKER MARVEL: All provisions of the law having been complied with, the question is, shall LB 129 be passed with the emergency clause attached? All those in favor vote aye, opposed vote no. Have you all voted? Clerk, record.

CLERK: Record vote read. (See page 749, Legislative Journal.) 40 ayes, 0 nays, 7 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. There is a motion on the desk on LB 146. The Clerk will read the motion.

CLERK: Mr. President, Senator Johnson moves: (Read motion found on page 749, Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Johnson.

SENATOR JOHNSON: Mr. President, members of the Legislature, yesterday we had a long conversation concerning arrest records, and during the course of my remarks, I commented that I received a telephone call from city officials in Omaha that wanted to talk about criminal record history and this amendment is the outgrowth of that phone conversation. Under the Criminal Record History Act local law enforcement officials are required to keep complete records on misdemeanors as well as felonies. However, they are not required to keep such records on traffic infractions. Now in Omaha, we have lots and lots of traffic infractions. What LB 146 does is it basically defines a new traffic infraction, to wit, parking in a handicapped parking space but it says if one parks in a handicapped parking space one is guilty of a Class V misdemeanor. That language will cause the Omaha police department and probably the law enforcement agencies all across this state to for what really is a traffic infraction to be keeping complete criminal record histories. So what my amendment does very simply is it says, look, if you are guilty of parking in a handicapped parking place, you are guilty of a traffic infraction which is defined in the statutes and in addition, you are subject to the traditional penalties that apply to traffic infractions, to wit, a fine of up to \$100 for the first offense, a fine of up to \$200 for the second offense, and that is in the statutes. So all this amendment would do is to redefine the offense of parking in a handicapped parking space by striking it as a Class V misdemeanor and defining it as a traffic infraction with the traditional penalties applicable. I would ask your support in returning this bill to Select File and approving this specific amendment.